



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,605	04/22/2004	Michael L. O'Banion	0275A-000749	6857

7590 07/27/2006  
Harness, Dickey and Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303

EXAMINER
----------

BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/829,605

Applicant(s)

O'BANION ET AL.

Examiner

Carolyn T. Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,10-14,20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,12-14,20,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 4, 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment and remarks filed May 10, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

3. Claims 1, 5, 7, 8, 10, 12, 13, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (3,105,530).

Regarding claim 1, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12); and a hood assembly mounted to said support structure including a first side curtain (46) and a second side curtain (46), and a quick release mechanism (28, 29) for providing selective engagement between said support structure and said entire hood assembly, wherein each of said first and second side curtains (46) are independently movable relative to said support structure. The wing nut and screw assembly can be considered a "quick release mechanism" because it enables relatively fast disassembly of the hood from the support structure. While Applicant's quick-release mechanism may be faster at performing this task, the Peterson assembly would be faster than other connections, such as a bolt or welding connection.

Regarding claim 5, Peterson discloses the hood assembly further includes a locking mechanism (including 53) adapted to selectively engage and secure said at least one of said first and second side curtains (46).

Regarding claim 7, Peterson discloses said first and second side curtains (46) independently move in response to a force applied by a work piece.

Art Unit: 3724

Regarding claim 8, Peterson discloses said first and second side curtains (46) are moveable in accordance with said engagement of said locking mechanism.

Regarding claim 10, Peterson discloses said first side curtain (46) includes a first coupler (50, 37), and said second curtain (46) includes a second coupler (30, 37, 50) adapted to engage said first coupler thereby connecting said first and second side curtains (46).

Regarding claim 12, Peterson discloses each of said first and second side curtains (46) are independently removable from said hood assembly.

Regarding claim 13, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12); and a hood assembly connected to said support structure including a first side curtain (46), a second side curtain (46), and a quick-release mechanism (28, 29) for providing selective engagement between said support structure and said entire hood assembly, wherein each of said first and second side curtains (46) are independently removable from said hood assembly.

Regarding claim 20, Peterson discloses each of said first and second side curtains (46) are independently moveable relative to said support structure.

Regarding claim 22, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12); a hood assembly connected to said support structure including a mounting member (30), a first side curtain (46) and a second side curtain (46); said first and second side curtains each being independently connected to said mounting member; a first locking assembly (50) for independently and selectively removing each of said first and second side curtains (46) from said mounting member (30); and a second locking assembly (28, 29) for selectively

Art Unit: 3724

removing said mounting member (30) from said support structure (12), said second locking assembly including a quick-release mechanism for providing selective engagement between said support structure and said entire hood assembly.

***Claim Rejections - 35 USC § 103***

4. Claims 2, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claims 1, 13, and 22 above, and further in view of Akin (2,731,049).

Peterson discloses a spring strip guard at the rear of the blade guard for holding a work piece, but fails to disclose a riving knife. However, Akin discloses a table saw guard assembly wherein a riving knife (54) is employed. The riving knife separates cut work pieces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the spring strip guard of the Peterson device a riving knife, as taught by Akin, for the purpose of separating cut work pieces.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claims 1 and 5 above, and further in view of the following.

Peterson fails to disclose a hood locking assembly including a screw and wing nut. However, Peterson discloses a wing nut and screw in another location in order to quickly remove a structure without the use of tools. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the hood mounting bolts (50) of the Peterson device with screws and wing nuts in order to quickly remove the hoods without tools.

Art Unit: 3724

***Allowable Subject Matter***

6. Claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

While differences exist between Applicant's device and the prior art of record, these differences have not been set forth in the independent claims.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

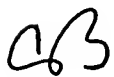
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3724

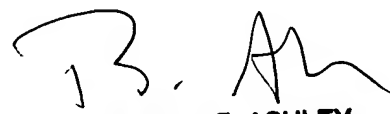
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CB  
July 20, 2006



**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**